

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**GARY MADDEN,**

**Petitioner,**

**CASE NO. 2:09-cv-133**

**JUDGE MARBLEY**

**MAGISTRATE JUDGE KEMP**

**v.**

**TIMOTHY BRUNSMAN, Warden,**

**Respondent.**

**OPINION AND ORDER**

On April 1, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be transferred to the United States Court of Appeals for the Sixth Circuit for authorization for filing as a successive petition. Although the parties were advised of the right to object to the *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED AND AFFIRMED**. This case is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition.

**IT IS SO ORDERED.**

s/ Algenon L. Marbley  
ALGENON L. MARBLEY  
United States District Judge